

90TH CONGRESS
1ST SESSION

S. 2394

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 11), 1967

Mr. KENNEDY of New York (for himself, Mr. Moss, and Mr. RANDOLPH),
introduced the following bill; which was read twice and referred to the
Committee on Commerce

A BILL

To amend the Federal Cigarette Labeling and Advertising
Act with respect to the labeling of packages of cigarettes,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 4 of the Federal Cigarette Labeling and Adver-
4 tising Act (15 U.S.C. 1333) is amended—

5 (1) by striking out the caption and inserting in
6 lieu thereof "LABELING AND ADVERTISING";

7 (2) by inserting "(a)" immediately after "SEC.
8 4.";

9 (3) by striking out "Caution: Cigarette Smoking

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1 May Be Hazardous to Your Health.'” and inserting in
 2 lieu thereof “‘Warning: Cigarette Smoking Is Danger-
 3 ous to Health and May Cause Death From Cancer and
 4 Other Diseases’; or the package of which fails to state
 5 the average tar and nicotine yields per cigarette in such
 6 package as determined by a method approved by the
 7 Secretary of Health, Education, and Welfare.”;

8 (4) by striking out “Such statement” in the second
 9 sentence thereof and inserting in lieu thereof “Each such
 10 statement”;

11 (5) by striking out “on every” in the second sen-
 12 tence thereof and inserting in lieu thereof “on the face
 13 of every”; and

14 (6) by adding at the end thereof the following new
 15 subsection:

16 “(b) It shall be unlawful for any person to disseminate
 17 or cause to be disseminated any advertisement which is
 18 intended to induce, directly or indirectly, the purchase of
 19 any cigarettes in commerce, unless there is included as a part
 20 of such advertisement the statement ‘Warning: Cigarette
 21 Smoking Is Dangerous to Health and May Cause Death
 22 From Cancer and Other Diseases’, and a statement of the
 23 average tar and nicotine yields per cigarette (as determined
 24 by a method approved by the Secretary of Health, Educa-
 25 tion, and Welfare) of the cigarettes referred to in such
 26 advertising.”

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SEC. 2. Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended—
(1) by striking out the caption and subsections (a), (b), and (c) of such section and inserting in lieu thereof the following:

**“ENFORCEMENT OF ADVERTISING REQUIREMENTS AND
REGULATION OF LENGTHS OF CIGARETTES**

“SEC. 5. (a) The Federal Trade Commission, after consultation with the Federal Communications Commission in appropriate cases, is authorized to prescribe the form and manner of the statements in cigarette advertisements required by section 4 (b) of this Act.

“(b). Any violation of any provision of section 4 (b) of this Act or regulations relating to advertising prescribed pursuant to such section shall constitute an unlawful advertising of drugs for purposes of sections 12, 13, 14, and 15 of the Federal Trade Commission Act (15 U.S.C. 52, 53, 54, and 55), and such provisions and regulations shall be subject to enforcement under such sections.

“(c) If the Secretary of Health, Education, and Welfare determines that longer cigarettes increase the risk to persons smoking such cigarettes of incurring or aggravating any disease or diseases or other debilitating physiological condition or conditions, he may, in cooperation with the Federal Trade Commission, after notice and opportunity for

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1 a hearing, prescribe rules establishing a maximum length or
2 maximum lengths for cigarettes.

3 " (d) It shall be unlawful for any person to manufacture,
4 import, or package for sale or distribution within the United
5 States any cigarette which is longer than the maximum
6 length for such cigarette under rules prescribed pursuant to
7 subsection (a) of this section."; and

8 (2) by striking out "(d)" and inserting in lieu thereof
9 "(e)".

10 SEC. 3. Section 10 of the Federal Cigarette Labeling
11 and Advertising Act (15 U.S.C. 1339) is repealed.

12 SEC. 4. The amendments made by this Act shall take
13 effect on the one hundred and eighty-first day after the date
14 of enactment of this Act.

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By Mr. KENNEDY of New York, Mr. Moss, and
Mr. RANDOLPH

SEPTEMBER 12 (legislative day, SEPTEMBER 11), 1967
Read twice and referred to the Committee on
Commerce

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